

Claim 1 recites a protective outer wall adjacent to the substrate. Claim 4 further limits the feature. On page 7, lines 5 and 6, the second wall has a reference number of 330 (Figure 3). On page 7, line 12, this second wall is comprised of oxide. Claim 4 now recites that the "protective outer wall is comprised of a layer of oxide. The rejection under 35 U.S.C. §112, first paragraph is believed to be overcome.

DiSimone, et al. is an improper reference

The question at hand is U.S.P.N. 5,976,950 a proper 35 U.S.C. §103(a) reference? U.S.P.N. 5,976,950 has a filing date of 21 July 1998 and an issue date of 2 November 1999. The present application has a filing date of 21 December 1998. U.S.P.N. 5,976,950 is not a reference under 35 U.S.C. §102(a) or §102(b).

The pending application was filed on 21 December 1998. As shown in the accompanying declaration of named inventor Paul Vande Voorde, reference Hewlett-Packard Invention disclosure 10961260, corresponding to the present application, was received by the then Hewlett-Packard Corporate Legal Department on 3 October 1996. The enclosed declaration states that the invention disclosure accompanying this response is a copy of the original. Witness Carlos H. Diaz read and understood this document on 17 September 1996. The pending application has a date of conception of 17 September 1996.

The conception date, 17 September 1996, precedes the filing date of the cited reference, 21 July 1998. DiSimone, *et al.* is not a reference under 35 U.S.C. §102(e) as DiSimone, *et al.* was not filed prior to the date of conception of the present invention.

35 U.S.C. §103(a) – claims 5 and 6

Claims 5 and 6 were rejected under 35 U.S.C. §103(a) as being unpatentable over DiSimone, *et al.* (U.S.P.N. 5,976,950). As described above, DiSimone, *et al.* is an improper reference. The rejection under 35 U.S.C. §103(a) is believed to be overcome.

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35 U.S.C. §103(a) – claims 1, 2, and 4

Claims 1, 2, and 4 were rejected under 35 U.S.C. §103(a) as being unpatentable over DiSimone *et al.* in view of Murakami (U.S.P.N. 4,551,743). As described above, DiSimone, *et al.* is an improper reference. The rejection under 35 U.S.C. §103(a) is believed to be overcome.

Conclusion

If the Examiner has any further questions or would like to discuss this application in more detail, he is invited to call the applicants' agent at the telephone number given below. The applicants respectfully suggest that the claims presently in the application are distinct over the prior art and that the application is now in condition for allowance. Accordingly, the applicants solicit favorable action.

Respectfully submitted,

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